



#13
P78
9/12/02

Patent
Our Docket: GA0129C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Gary A. Beaudry et al.

Serial No.: 09/663,516

Filed: September 15, 2000

For: COMPOSITIONS AND METHODS FOR
THE IDENTIFICATION OF LUNG
TUMOR CELLS

) Art Unit: 1634

) Examiner: Carla J. Myers

RECEIVED

SEP 06 2002

TECH CENTER 1600/2900

Commissioner for Patents
Washington, D.C. 20231

I HEREBY CERTIFY UNDER 37 CFR § 1.8 THAT THIS CORRESPONDENCE IS BEING DEPOSITED
WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE
ADDRESSED TO: COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.

Date

Signature of person mailing correspondence

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This communication is being filed in response to the Restriction Requirement mailed June 20, 2002 in connection with the above-identified application. A response to the Restriction Requirement was originally due on July 20, 2002. As part of this communication, Applicant is filing a Petition for a Two Month Extension of Time, thereby extending the deadline to file a response to the June 20, 2002 Restriction Requirement to September 20, 2002. Accordingly, this response is timely filed.

REMARKS

Claims 1-29 are pending in the subject application and are subject to a restriction requirement.

In the June 20, 2002 Office Action, the Examiner required restriction under 35 U.S.C. § 121 to one of the following allegedly independent and distinct inventions:

- I. Claims 1-11 and 28, drawn to nucleic acids, classified in Class 536, subclass 23.5.
- II. Claim 12, drawn to proteins, classified in Class 530, subclass 350.
- III. Claim 13, drawn to proteins, classified in Class 530, subclass 387.
- IV. Claims 14-18, drawn to methods of diagnosing lung cancer by detecting a polynucleotide, classified in Class 435, subclass 6.
- V. Claims 19 and 20, drawn to a method for detecting lung cancer by detecting a compound that binds to a protein, classified in Class 435, subclass 6.
- VI. Claims 21 and 22, drawn to methods for detecting lung cancer by identifying an agent that binds to a gene, classified in Class 435, subclass 7.1.
- VII. Claim 23, drawn to a computer system with data for the polynucleotides of SEQ ID NO: 1-40, classified in Class 702, subclass 19.
- VIII. Claim 24, drawn to a method of detecting lung cancer using a database, classified in Class 702, subclass 19.
- IX. Claim 25, drawn to a method of screening databases, classified in Class 702, subclass 19.
- X. Claims 26 and 27, drawn to a method of screening for therapeutic agents, classified in Class 435, subclass 6.
- XI. Claim 29, drawn to a transgenic animal, classified in Class 800, subclass 13.

Applicant's undersigned attorney hereby elects Group VI, claims 21 and 22 drawn to methods for detecting lung cancer by identifying an agent that binds to a protein.

At page 11 of the Office Action, Applicant is required to make a further election from the group of gene products set forth in claim 19. This requirement is traversed. As noted on page 2 of the Office Action, Group VI does not include claim 19, but rather is directed to claims 21 and 22. To the extent that the Examiner intended to refer to claim 21, Applicant hereby elects those gene products produced from a polynucleotide which corresponds to SEQ ID NO:35. However, to be fully responsive, Applicant alternatively elects the glutathione perox-like gene products which correspond to SEQ ID NO:16. Applicants file herewith an Information Disclosure Statement for consideration in this matter.

SUMMARY

No additional fee is deemed necessary in connection with the filing of this communication. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 07-1074.

Respectfully submitted,

Aug 28, 2002
Date

Elizabeth Lassen
Elizabeth Lassen
Attorney for Applicant
Registration No. 31,845
Telephone: (508) 270-2553
Facsimile: (508) 872-5415

GENZYME CORPORATION
15 Pleasant Street Connector
P.O. Box 9322
Framingham, Massachusetts 01701-9322